IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 579 of 1997(A)

CRA.138/1993 of SESSIONS COURT, KOTTAYAM
ST.1165/1992 of JUDL.MAGISTRATE OF FIRST CLASS, PALA
.....

REVN. PETITIONER:

SUKUMARAN NAIR, S/O PARAMESWARAN NAIR,
THIRUVUMKUNNEL HOUSE,PONAD KARA, LALAM VILLAGE.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.K.SURESH KURUP

RESPONDENTS:

STATE OF KERALA REPRESENTED BY PUIBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTORMR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15-2-2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.579 OF 1997

DATED THIS THE 15TH DAY OF FEBRUARY 2007

ORDER

The revision petitioner stands convicted for the offence under Section 51(a) of the Kerala Police Act and sentenced to undergo simple imprisonment for 15 days and to pay fine of Rs.100/- and in default to undergo simple imprisonment for one week vide S.T.No. 1165/1992 of Judicial First Class Magistrate Court, Pala. The same was confirmed by the Sessions Judge. The incident was taken place at 6.45 p.m. on 21—5-1992. The allegation is that he was found drunk and incapable of taking care of himself and standing on Athirampuzha-Pala road in front of the private bus stand uttering obscene words and causing nuisance to public. This Court as per order dated 18-10-2006 directed the revision petitioner to deposit an amount of Rs.5,000/- as cost under Section 359 Cr.P.C. It is submitted that the petitioner is a first offender and

that there is no previous conviction against him. In the circumstances the R.P.is allowed altering the sentence to pay a sum of Rs.5000/- as costs vide Section 5(1)(b) of Probation of Offenders Act and the amount if not paid as per the provisions, the amount shall be recovered as provided under Section 5(2) of the Probation of Offenders Act. The accused is released vide Section 3 of the Probation of Offenders Act. The Crl.R.P.is allowed accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.579 OF 1997-D

ORDER

15-2-2007